

Supreme Court of Kentucky

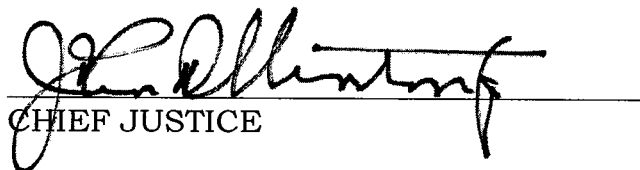
ORDER

IN RE: ORDER APPROVING TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL FOR THE 27TH JUDICIAL CIRCUIT AND DISTRICT, KNOX AND LAUREL COUNTIES

Upon the recommendation of the Judges of the 27th Judicial Circuit and District, Knox and Laurel Counties, and being otherwise sufficiently advised,

The Twenty-Four Hour Accessibility to Protective Orders and Local Joint Jurisdiction Protocol for the 27th Judicial Circuit and District is hereby approved. This order shall be effective as of the date of this Order and shall remain in effect until further orders of this court.

Entered this 3rd day of May 2016.


CHIEF JUSTICE

**TWENTY-FOUR HOUR ACCESSIBILITY TO
PROTECTIVE ORDERS AND LOCAL
JOINT DOMESTIC VIOLENCE PROTOCOL
27TH JUDICIAL CIRCUIT AND DISTRICT
KNOX AND LAUREL COUNTIES**

Pursuant to KRS 403.735 and KRS 456.030 and in compliance with Family Court Rules of Practice and Procedure (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four hour accessibility to electronic emergency protective orders (EEPOs) and temporary interpersonal protective orders (TIPOs) and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the Circuit/Family and District courts.

I. Uniform Protocol for Processing Cases

- A. All petitions requested, completed and signed by persons seeking protection under KRS Chapter 403 and KRS Chapter 456 shall be made on form AOC-275.1, and shall be accepted and filed with court. KRS 403.725, KRS 456.030.
- B. Circuit court clerks shall process domestic violence cases in accordance with the rules and procedures set forth in the "Domestic Violence Proceedings" section of the Kentucky Circuit Court Clerk's Manual.
- C. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.
- D. "No drop" policies which place limitations on a petitioner's right to modify or withdraw a petition for a protective order are not permitted. Pursuant to KRS 403.070 and KRS 456.060, any orders for relief issued directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, dating violence and abuse, stalking, or sexual assault shall not order the petitioner to take any affirmative action.
- E. Cases may be assigned within the judicial circuit and, pursuant to FCRPP 12, a case may be transferred to another circuit if there is a pending dissolution or custody matter. If reassignment or transfer occurs, the issuing judge shall reissue a summons until the matter may be heard by the receiving judge.
- F. The court shall review a petition for a protective order immediately upon its filing. KRS 403.730, KRS 456.040. Petitioners shall not be sent away or left waiting for extended periods of time. Petitions should be reviewed within an hour of presentation to a judge or trial commissioner unless impossible due to a judge or trial commissioner being unavailable.

II. Twenty-four Hour Accessibility

A. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioners **during** regular business hours:

1. The Circuit Clerks of Laurel and Knox Counties, and all of their sworn deputies;
2. The victim's advocates of Laurel and Knox Counties.

B. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioners **after** regular business hours:

1. The Circuit Clerks of Laurel and Knox Counties, and all of their sworn deputies;
2. The victim's advocates of Laurel and Knox Counties;
3. The Sheriffs of Laurel and Knox Counties and all of their sworn deputies;
4. The Jailers of Laurel and Knox Counties and all of their sworn deputies;
5. The Chiefs of Police for the Cities of London and Barbourville and all of their sworn deputies; and
6. Any Kentucky State Police Officer found in Laurel and Knox Counties.

C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following:

1. Family Court Judge or District Court Judge.

D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to the following:

1. Family Court Judge;
2. District Court Judge.

III. Assignment of Cases

A. Pursuant to KRS 403.735 and KRS 456.030, jurisdiction over petitions filed under this chapter is concurrent between district, circuit and family court.

B. The judge reviewing a petition for an order of protection shall indicate in the

“Court Action” section of the petition whether the resulting action is a domestic violence action under KRS Chapter 403 or an interpersonal protective order action under KRS Chapter 456.

C. The circuit clerk shall assign interpersonal protective order cases to the District Court.

D. The schedule for hearings on protective orders is as follows;

District Court, Mondays 11:00 a.m. (TIPOs)

Circuit Court, Mondays 9:00 a.m. (EPOs)

E. Cases may be reassigned or transferred between courts if it is determined that there are other actions pending or circumstances indicate that review by the other court is proper. KRS 403.725, KRS 456.030. If reassignment or transfer occurs, the issuing judge shall reissue a summons until the matter may be heard by the receiving judge.

[Consistent with FCRPP 12, when the local domestic violence protocol requires that a case be transferred to another circuit due to a pending dissolution or custody matter, an emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740(4), for a period not to exceed fourteen days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.]

IV. Contempt Proceedings

A. Pursuant to KRS 403.763 and KRS 456.180, civil and criminal proceedings for violation of a protective order for the *same violation* of a protective order shall be mutually exclusive. Once a criminal or contempt proceeding has been initiated, the other shall not be undertaken regardless of the outcome of the original proceeding.

B. Petitioners seeking to initiate contempt proceedings should contact:

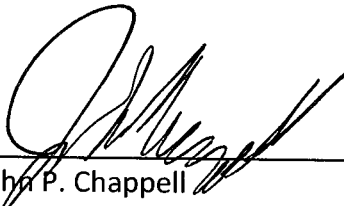
1. The Circuit Clerks of Laurel and Knox Counties, and all of their sworn deputies:
2. The victim’s advocates of Laurel and Knox Counties.

C. No petitioner may be held in contempt for failure to appear at a domestic violence hearing or prosecute a criminal violation of a protective order.

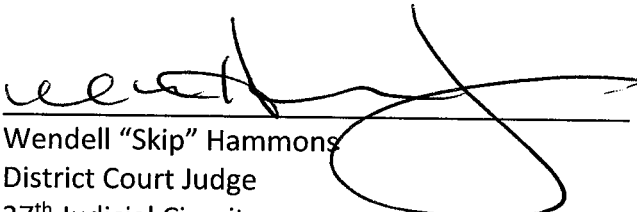
The above protocol is adopted by all judicial officers in the circuit/district this the 26 day of April, 2016.



Stephen M. Jones
Family Court Judge
27th Judicial Circuit



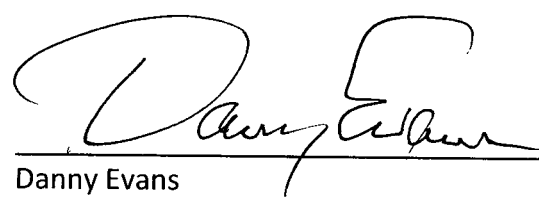
John P. Chappell
District Court Judge
27th Judicial Circuit



Wendell "Skip" Hammons
District Court Judge
27th Judicial Circuit



Gregory A. Lay
Circuit Court Judge
27th Judicial Circuit



Danny Evans
Circuit Court Judge
27th Judicial Circuit